

**NOTICE OF MEETING  
SPECIAL MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA** *(Three minute time limit)*
  - A. Public Comments Received regarding Beach Policy Review, Bishops Beach and Similar Areas in Homer  
**Page 3**
- 4. VISITORS** *(Visitors normally have 10 minutes for their presentation.)*
- 5. RECONSIDERATION**
- 6. ADOPTION OF CONSENT AGENDA** *All items on the consent agenda are considered routine and non-controversial by the Parks & Recreation Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Parks & Recreation Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.*
  - A. Minutes for the Special Meeting on January 22, 2015  
**Page 5**
- 5. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORT**
  - A. Staff Report re Recap of the January 22, 2015 Meeting  
**Page 13**
- 6. PUBLIC HEARING**
- 7. PENDING BUSINESS**
  - A. Review and Discussion on Existing Regulations for the City of Homer  
**Page 15**
    1. Chapter 5.20 Fire Prevention
    2. Chapter 1.16 General Penalties
- 8. NEW BUSINESS**
  - A. Legal Access and Land Ownership
  - B. Next Meeting Deliverables and Discussion Topics  
**Page 20**
- 9. INFORMATIONAL MATERIALS**
- 10. COMMENTS OF THE AUDIENCE**
- 11. COMMENTS OF THE COUNCILMEMBER** *(If one has been assigned)*
- 12. COMMENTS OF STAFF MEMBERS**
- 13. COMMENTS OF THE COMMISSION**
- 14. COMMENTS OF THE CHAIR**
- 15. ADJOURNMENT THERE WILL BE A REGULAR MEETING WILL BE HELD ON THURSDAY FEBRUARY 19, 2015. THE NEXT SPECIAL MEETING IS SCHEDULED FOR MONDAY, MARCH 2, 2015 at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska**



## Renee Krause

---

**From:** Tom and Catie <tcbursch@gmail.com>  
**Sent:** Thursday, January 29, 2015 10:55 AM  
**To:** Renee Krause  
**Subject:** Bishops Beach Policy feedback

Hi,  
I have some feedback to share about Bishops Beach use;  
I work in the Islands and Ocean Building and am lucky enough to have a window that looks over Bishops Beach and so I take note of the goings on down there on a daily basis, at least the part I can see.

I also work as a naturalist and have led walks and helped design signs for the slough and parking lot areas.

Here are my thoughts:

-I have lived in Homer for 20 years and would have a hard time remembering what signs are down there and what they say. I don't think locals even see the existing signs. This should be taken into consideration if new signs are on the docket. Maybe take a bunch down and make one very concise, visual, (very little text) sign just before the access rd to the beach.

-I think citations and fees will be affective to get the word out to locals that the policies are being taken seriously by the community. Word of mouth is one of Homers best communication methods.

-I also think the "campground Host " Idea is good because face to face communication is very memorable, this will be most effective long term if it targets locals, this could be done by targeting certain times of the year or day. (lunch hours and after work) We really don't need to spend a lot of time with someone from Florida who will never return.

-I think you have to identify your audiences before you make a sign or come up with a plan.

-I recommended to Matt Steffy to print out areial shots of Bishops Beach over time. You will learn a lot by looking at very visible changes over time. One thing you will see is that the beach berm to the left has totally come back and re-grown beautifully since the first policy has been in place not to drive to the left. It used to be almost all gravel with no grass and wood. Now you can distinctly see trails through the vegetation. This can be used as a positive message that peoples actions do affect the area and that changes in those actions can be super successful! Its always hard to believe that our individual actions matter in the end but they really do when your talking about the kind of numbers that use Bishops Beach. People like to get on board with things that are already working....use this example to get them to WANT to comply and continue to improve the area. Then give tickets to the other people.

-coming up with a number of how many folks use the beach can also be a powerful tool.  
None of us want a bunch of signs and regulations, its ALASKA for heavens sake! but if we are given an estimate of how much traffic the area got, it will be much more understandable that some parameters are needed.

Good luck and keep up the good work! Catie Bursch 235-5111

-



*Roger W. Imhoff, RLS*  
PO Box 2588 \* Homer Ak 99603  
(907) 399-6295  
rogerwimhoff@gmail.com

RECEIVED

JAN 29 2015

01-29-2015

Julie Engebretsen  
COH Planning Dept

CITY OF HOMER  
PLANNING/ZONING

Re: Bishops Beach Policy Review

Hello Julie,

I have been following with interest the saga of Bishops Beach Access and Use. My family and I have enjoyed using the beach for many years: hiking, ATV use, simply enjoying the scene.

And occasionally, I need to access the beach front portions of uplands properties with a vehicle for work related purposes.

Having attended many of the prior "task force" meetings and testified in a couple, I really think that the existing policy has many merits and doesn't really need to be "fixed."

But obviously, just signage has not been effective in keeping the peace.

It seems to me that the primary problem is one of user education and policy enforcement. The City has chosen to have a near zero "official" presence on the beach. Yep, education and enforcement does cost money but the alternative of simply banning vehicle travel just doesn't seem right. The public, be they City Residents or not, has a long history of beach use. We know that.

Perhaps some sort of permit is appropriate. I don't know...it's a tough call no matter what. There really is no guaranteed solution without putting something in the budget to have someone be onsite to at least "inform" people of the rules.

My other concern is that most people do not realize that the uplands owners, at least in most cases, own property out to the 1917 Mean High Water Line (MHWL). The Current Task Force should be informed about this.

According to the USGS, the 1964 earthquake sunk land (subsidence) from Millers Landing to Mud Bay, all along the Homer Spit, and on up the Inlet to the mouth of the Kenai River.

The Alaska Attorney general issued his opinion (No 6) that due to the subsidence, the pre-existing MHWL (1917 line in most cases) is the title boundary of the uplands properties. In practice, the last surveyed MHWL prior to the earthquake is held to be the title boundary.

There has been at least 200 ft of erosion along the Bishops Beach area, and the legal boundaries now extend far beyond the current MHWL. In fact, those boundaries coincide for the most part with Alaska Tidelands Survey 612. (Incidentally, those rows of rotted piling along the Inlet side of the Spit are what's left of the Corps effort to halt erosion by constructing Groins.)

The Attorney Generals Opinion has never been challenged in court and is respected as the "rule" by the DNR Survey Section. On occasion, I have read in the paper that some City employee has stated that the City "owns" tidelands up to the Current Mean High Water Line, but that statement is incorrect.

Page 2 of 2 Blshops Beach

So what to do...what to do?? I don't a good answer but I just think we need to realize that people have a history here and there are good and valid reasons that people need to access the beach with motor vehicles, including the uplands owners.

Please consider those users befoe restricting them.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan". The signature is written in a cursive, flowing style with a large initial "R" and a long, sweeping tail.

Session 15-01 a Special Meeting of the Parks and Recreation Advisory Commission was called to order on January 22, 2015 at 5:30 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

**PRESENT:** COMMISSIONERS LILLIBRIDGE, LOWNEY, ARCHIBALD, STEFFY, MACCAMPBELL, BRANN, AND ROEDL

**STAFF:** JULIE ENGBRETSSEN, DEPUTY CITY PLANNER  
ANGIE OTTESON, PARKS MANAGER & MAINTENANCE  
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

Chair Matt Steffy provided a brief summary on the process that will be conducted over the next several meetings while the commission focuses on review of the beach policy. He outlined the three ring binder that was provided and the contents of the book and how the Commission will be receiving future packets and handout materials. The Commission was requested to return the notebooks after conclusion of the Beach Policy Review.

#### **APPROVAL OF THE AGENDA**

Chair Steffy requested a motion to approve the agenda as presented.

MACCAMPBELL/LOWNEY - MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

The agenda was approved by consensus of the Commission.

#### **PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA**

Chair Steffy invited the public to comment and requested them to please sign in they will have 3 minutes.

Deputy City Planner Engbretsen provided a brief overview of the public comment process that will be employed at the next several meetings of the commission and that all members of the public will be encouraged to write their comments on the message board provided before each meeting. She will then read or summarize those comments received after packet distribution to aid in getting everyone's comment on record. She announced the members of the public who submitted comments were included in the Supplemental Packet distributed and noted that no comments were written on the Board by the public present tonight.

Roberta Highland, city resident, reiterated previous comment on the reckless and wild behavior mixing with the more tranquil users of the beach, increased drug use, recommended changing it to non-motorized, initiating a permitting system, designate spaces for pedestrians, and designated areas for dogs off leash, requiring dogs on leashes to the east; and advocating for protection of the tide pools.

#### **VISITORS**

Angie Otteson, City Parks Manager and Maintenance, reported what information is contained or posted on the kiosks and the existing signage in place at Mariner Park and Bishop's Beach. She then provided information on what services her department and staff provide for the beaches and parks.

Ms. Otteson elaborated that they do stop people who are seen traveling in non-vehicle areas and remarked that most areas of greatest concern are the US Fish & Wildlife property and feels that the lot lines should be surveyed and marked clearly.

Ms. Otteson acknowledged that some areas are marked. In response to a question regarding enforcement she responded that due to a lack of personnel i.e. funding it is hard to enforce the rules already in place. She agreed that enforcement may deter the unwanted behavior but is not aware of

anyone being cited for violations or have seen someone cited. Staff advised that this issue can be addressed by Chief Robl.

Ms. Otteson agreed with the commission and public regarding the area to the east being a major concern. She noted that until this summer they had no problems with camping on the beach.

Some items discussed, questioned or commented on were:

- Gun fire and fire arms
- Removal of driftwood
- Parking concerns with respect to the parking on the lower level (beach) that appears to encourage driving on the beach, defined by the lack of parking and high use of the park and beach
- Drug paraphernalia and drug use occurs in the restrooms
- Local police are aware of the behavior
- Day Use Camping was allowed
- Installation of fire rings would be unusable after one good storm
- Illegal camping to the west and on private property

Ms. Engebretsen explained that the problem started by a private property owner authorizing campers on their property and the public seeing this did it too without permission.

- Delineating travel ways for vehicles
- Additional trash receptacles placed along the beach
- Enforcement to the East
- sales of firewood
- Camping on city property
- Delineating property lines
- Difficult to determine solutions to use - signage, barriers in certain areas
- Updating maps to indicate private property

Ms. Engebretsen stated that historical access will be discussed at the next meeting; enforcement issues are separate, but for people that are receptive, knowing the regulations, may appreciate the signage. The criminal element will not be solved by signage.

There was no further discussion.

## **RECONSIDERATION**

There were no items for reconsideration.

## **ADOPTION OF THE CONSENT AGENDA**

A. Minutes for the special meeting of December 16, 2014

Chair Steffy requested a motion for adoption of the consent agenda.

ARCHIBALD/LILLIBRIDGE - MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS**

A. Staff Provided Information - Maps and Kachemak Bay Shorebird Monitoring Project

Chair Steffy provided a brief synopsis of the materials contained in the binder. He asked if Julie would like to elaborate.



Ms. Engebretsen provided more detailed description of the organization for the binder and how the packet will be created and distributed.

Ms. Engebretsen commented on one map was the official adopted map and that this map is displayed on the kiosks and the other user friendly map that is distributed to the public by Homer Police Department and city personnel.

Ms. Engebretsen provided a description of each section of the binder and commented on the last section was provided for notes. She mentioned a process that Ms. Krause does for the Public Safety Building Review Committee that works very well and recommends using the same process for the Beach Policy Review meetings. Ms. Krause provides a memorandum stating the next meeting date and requests deliverables from the commission. This will aid in staff providing the information to the commission in a more measureable format. Ms. Engebretsen further noted that Ms. Krause provided lined paper for the commissioner's to write down their notes and questions, etc. She requested the commissioners to either write down their questions and submit them at the meeting or email them to her since she was pretty sure it would be difficult to answer them at the meeting.

The commission was in consensus to add the Next Meeting Deliverables to the Agenda under New Business at the Request of Staff.

#### B. Policy Review Processes and Format

Ms. Engebretsen stated that ideally the commission will make motions at each meeting and move on at each meeting with the next topic. The commission will be able to revisit each decision prior to the Public Hearings if they are not quite comfortable with the decisions made.

Commissioner MacCampbell questioned whether the federal land was exclusive jurisdiction where the city would have no authority. He would like to know if the authority is proprietary or concurrent. He elaborated on some of the reasoning behind his question.

Ms. Engebretsen stated her problem by providing an example of someone's dog on private property or federal property and is that a City problem then.

Commissioner Archibald questioned if there was a dedicated easement for vehicles.

Ms. Engebretsen responded that people have been accessing the beach from Bishop's Beach for a very long time so by prescriptive use there is an easement.

Commissioner Lowney requested clarification on the access so they know the restrictions that would place on them.

Ms. Engebretsen stated that they will address those issues at the February 5<sup>th</sup> meeting.

Commissioner MacCampbell remarked that it would involve title search to see if a prescriptive easement was in place. Ms. Engebretsen stated that some people have filed a lawsuit so she does hope to have more information from the attorney for the next meeting.

#### **PUBLIC HEARING**

There were no items scheduled for this meeting.

#### **PENDING BUSINESS**

A. Review and Discussion on Existing Management Strategies of Bishop's Beach and Similar Areas Within the City Limits

Chair Steffy read the title into the record. He stated that everyone should have reviewed the materials since the last meeting. Commissioner Brann was involved with the original Beach Policy Task Force and Ms. Engebretsen was involved in the last amended Policy.

Commissioner Brann related the issues behind creating the policy and some of the positive results from implementing the beach policy. He cited the historical use of Bishop's Beach to access and the preference to use "gentler" language on what was allowed and what was not.

Ms. Engebretsen could not recall the reason other than the task of the commission was to review the policy and they removed a lot of things that were accomplished. She read through the policy and noted some things that could be removed such as removing the barge on the west side of the spit which it has been. She did note that they did not have the problems then that they do now regarding vehicles on the beach.

Commissioner Archibald recalled more problems with motorcycles and 4 wheelers on the beaches than that were causing problems.

Chair Steffy reminded the commissioners to keep in mind that the behaviors may be increasing but also the awareness of those behaviors is increasing also and having that historical information helps quite a bit in making their decisions.

Further discussion centered on the increase in behaviors and the lack of the public reporting the behavior whether to the police or park personnel.

Chair Steffy asked if the commission had any changes, questions or clarification on.

Commissioner Brann inquired about discussing how it is done in other cities and provided an example of a recent visit to Anchor Point and the signage being bright, simple, easy to read and direct.

Commissioner MacCampbell supported education and that it is employed in the parks but it will do nothing unless there is someone there that can enforce the rules because they will then tell 10 friends and those 10 friends will tell 10 friends. He related the experience he himself prefers to know what he can and cannot do when he goes somewhere. He believes that the commission does not need to focus on the number of police but to make the recommendation to Council and it is up to them to hire the needed manpower.

Chair Steffy appreciated that sentiment and he stated that in Fairbanks his rangers were not law enforcement and he referred to them as Karma Rangers, he spoke on verbal signage and visual signage, and further opined in favor of installing a park host and believed that it would be a great deterrent. There are different echelons of camp hosts.

Commissioner Lillibridge recommended closing hours for the park and beach. She noted that anywhere you go there is closing hours. The worst stuff happens at night. Chair Steffy believed that this may be a solution to the problem.

Commissioner Lowney commented on knowing the rules and regulations and that who they are dealing with is the locals. She further noted that what they are doing is not working. They are still dealing with the issues that they did back then. She believed that they need the enforcement or they should shut it down at a certain time.

Ms. Engebretsen stated she will ask the City Attorney regarding closing the beach and park down at night and closing access and the issues that go along with those changes.

Commissioner MacCampbell stated he would support a management tool such as access issue but cautions that they need to make sure they have the prescriptive right to do so. They need to address what is not working and fix it.

Commissioner Roedl commented on comments he has received regarding users taking out the gate and addressing the possibility and probability of someone getting locked in then you have the management issues of making sure everyone is off the beach.

Chair Steffy pointed out that if they do close off the beach and someone wants to go on Bishop's Beach they could get there from Mariner Park if they wanted. He further commented on targeting the actual user group causing the issues.

Discussion was held on the following by the commission:

- issues of education of the rules for all user groups;
- giving the rules teeth;
- providing examples of the result of actions;
- prohibiting certain actions on the beach period;
- placing facilities that encourage good behaviors such as providing convenient trash receptacles and dog poo baggies;
- is there a noise level ordinance; making the city owned tidelands a park as implied in the policy and code;
- zoning is not a solution to the problems; licensed vehicles versus off road vehicles allowed on the beaches;
- all-terrain vehicles are allowed on public easements; applying for additional funding through the Coastal Impact Grant Program for possible avenue to fund a beach patrol;
- use of HART Funds for increased parking; speed limit is not enforced on the beaches;
- the effects of vehicular traffic regarding erosion to the beach and property in general;
- there are minimal laws related to these items; rights of property owners;
- vehicular traffic at mean high tide and impact on habitat.

B. Review and Discussion on Existing Regulations - City, State and Federal Re: Vehicular Traffic on Beaches, Uses, Closures, Pets, Etc.

The following was noted by the commissioners:

- vehicular traffic is limited from Mariner Park to across from the Fishing Lagoon
- no vehicular traffic is allowed from that area south on the west side of the spit and from Mud Bay south on the east side of the Spit
- residents were agreed with these limitations and they did not become a liability

ARCHIBALD/LILLIBRIDGE - MOVED TO ELIMINATE VEHICULAR TRAFFIC EAST OF BISHOP'S BEACH INCLUDING ALL OF AREA FOUR AS SHOWN IN THE BEACH POLICY.

Discussion included providing access to persons of need such as limited income, a government entity or enforcement personnel, and scientific purposes. Establishing a permitting system and policy would be preferable to closing it totally. Staff recommended asking the Chief of Police and noted that the City Manager would not want to be involved with every permit issued. It was also noted that artists use beach rocks and that they should not be removing materials since it is already prohibited. Commissioner MacCampbell pointed out that most agencies are exempted from their regulation and provided examples. Concern was expressed that they would be moving the problem to another location. Further concern was expressed regarding the increased use of the ATV and UTV's and the increased size and power of these machines.

Commissioner Lillibridge suggested inviting the people who are doing the damage to let them know the results of their actions.

Further concern was expressed on the increased use from visitors to the Spit who bring multiple machines for use on the spit.

Staff reminded the commission that they are early in this project and know that there are people who will want to comment on it.

LOWNEY/MACCAMPBELL - MOVED TO POSTPONE UNTIL FURTHER INFORMATION IS RECEIVED, ALLOW THE COMMISSION TO REVIEW FROM A MANAGEMENT PERSPECTIVE AND BRING IT BACK LATER IN THEIR PROCESS.

It was noted that this will be in the paper and maybe encourage that segment of the public to attend a meeting or submit comment since there is no specific user group. Discussion also included allowing time to reach out to the public and notify various outlets to allow those user groups to provide feedback.

The following was requested for clarification:

- Use of electric vehicles on/in city parks and beaches
- Use of all-terrain wheelchairs
- Use of All Terrain Segways
- Campfires on the beach
- Speed limits on the beach or in park
- Public Access/Historical Access in regards to Closing (Staff has this question before the city Attorney)
- Dog Feces - to be discussed at the March 2, 19<sup>th</sup> meetings

Chair Steffy requested Chapter 1.16 regarding fees/fines. He then asked if the limit was established to limit it to a misdemeanor instead of a felony.

Commissioner MacCampbell inquired if the offense under Chapter 19 is bailable. He provided an example for the commission and staff for better understanding.

Chair Steffy inquired what hours that Ms. Otteson and her staff work during the season and off season. It was believed

Chair Steffy stated it would be nice to have a sheet for cross reference of the fees if the rules are broken. Ms. Engebretsen stated if they could do that they will provide it for the next meeting.

A brief discussion occurred regarding the meeting schedule and changing it at this late date. Staff informed the commission that attendance was allowed telephonically as long as there was a quorum present.

Animal Control will be invited to attend one of those March meetings. The March 19<sup>th</sup> meeting will be directed at Dogs and Sanitation issues and Commissioner Lowney will invite Dr. Sherwood to be a visitor at that meeting.

Chair Steffy inquired if there were any issues or agenda items the commissioners would like to discuss at the next meeting. The following was requested:

- Right of Way Issues regarding Bishop's Beach
- Legal Access Issues
- Defined Parking Areas

Commissioner Lowney asked for clarification on what they are trying to do for the owners of private property. Ms. Engebretsen explained that there are issues with access prohibiting even the private property owners from refusing or blocking access across their property and that is the question what is exactly they are trying to manage on private property.

Commissioner Lowney also questioned if the commission should consider the issues with the "lower" parking lot that is really well defined and if it is an issue that they want to address since she feels that parking there encourages traveling out onto the beach. It may help them define the parking area with rocks and blocking access to the east so that the only way to go is west.

Chair Steffy said it would be something to discuss when they start working on solutions in the later meetings.

Commissioner Archibald if the private property owners have had their property lines surveyed? Ms. Engebretsen stated that she would like to address that issue at the next meeting.

Commissioner Lillibridge asked if they could start the meeting at Bishop's Beach. In her opinion it would bring forward several ideas that they haven't thought of before.

Chair Steffy thought that visiting the beach was a good idea and advocated for each commissioner to visit the area and consider the concerns and issues citing that they could plan to meet down there before one of the meetings and may not see anything except one guy down there reading his twilight novel who did not want to be seen reading that book. People who visit that area causing problems do so at different times so he feels individual efforts may be more productive to see what happens at the beach. He believes a worksession prior to one of the later meetings in the year would be better overall.

#### **NEW BUSINESS**

There were no new business items on the agenda.

#### **INFORMATIONAL MATERIALS**

There were no informational materials.

#### **COMMENTS OF THE AUDIENCE**

George Matz, commended the commission for the work they are doing, believed they are making progress he is encouraged that they are looking at a physical barrier so vehicles cannot go past. This solution works at Louie's Lagoon area so he believes it will work at Bishop's Beach.

Roberta Highland, city resident, such a great start. She is also president of the Kachemak Bay Conservation Society they have a motto that when in doubt conservation comes first and for the future generations they like to see stewardship and education. She commented on the value to the citizenry of having laws in place with more "teeth" and that those laws can allow for enforcement by residents. Zoning beaches as parks would provide clarification, grants are an idea but they need to be creative in regards to funding enforcement.

Louise Ashmun, city resident, new to Homer, originally from Moscow, Idaho, and currently working in section 8 of the beach for a research group, encourage working in complement with U.S. Fish & Wildlife in the Beluga Slough area and should consider working in cooperation to protect the habitat; also supported strong clear delineation of where vehicles are allowed and agreed that areas should be designated where there are allowed.

Lani Raymond, city resident, suggested that the beach patrol would be more cost effective and augment the police efforts.

Chair Steffy thanked the audience for sticking until the end.

#### **COMMENTS OF THE CITY STAFF**

Ms. Engebretsen remarked on the bad behaviors experienced by Anchor Point community on Memorial Day Weekend and what the residents did to change it around for the better to make it attractive for families with hot dogs roasts, big family weekend activities, and entertainment which changed the dynamic of the weekend. Homer can accomplish the same thing with these issues. She reminded the commission about the MAPP and HACA event to be held at Homer Council on the Arts on Tuesday, January 27<sup>th</sup> at 5:30 p.m. Thank you for your work.

Ms. Krause had no comments.

#### **COMMENTS OF THE COUNCILMEMBER *(If one is present)***

There were no council members present.

#### **COMMENTS OF THE COMMISSION**

Commissioner Lillibridge thanked staff for putting together the wonderful notebook for their use. She ends up putting her notes everywhere and loses them so this should keep them all pretty organized.

Commissioner Roedl thanked everyone for a great meeting and the efforts for putting the notebook together.

Commissioner Brann agreed they were off to a good start and lots of public participation and thanked the staff for all they do. He looks forward to working the problems out.

Commissioner Archibald thanked the public for coming out and commented that good social interaction in a conversation will bring out contention and bring up new ideas which can be assimilated and come up with a good decision so he is looking forward to this.

Roger MacCampbell, really appreciates the public input, Anchor Point Memorial Day was driven by the Chamber, Troopers and parks but the key component was community participation. He has a lot of experience on dealing with Hosts and cautioned just putting a Host at Bishop's Beach. A really good training program needs to be available. Hosts can get themselves in trouble really quick. It will be an interesting question for the City Manager and Chief Robl regarding liability. He believes they got a great start.

Commissioner Lowney stated that she will be leaving again however she should be able to attend the meeting of February 19<sup>th</sup>. Her greatest concern with this whole process is the public issues and addressing those concerns and issues of the public. That they get some teeth into this that can be enforced.

#### COMMENTS OF THE CHAIR

Chair Steffy commented also in favor of the actions conducted by Anchor Point and spoke on territorial issues regarding the adverse behaviors driving people out of the area and that goes both ways and there are ways to not make that the best place to go for the late night parties for example.

#### ADJOURNMENT

There being no further business to come before the Commission, Chair Steffy adjourned the meeting at 8:27 p.m. The next **SPECIAL MEETING IS SCHEDULED FOR THURSDAY, FEBRUARY 5, 2015** at 5:30 p.m. at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

---

Renee Krause, CMC, Deputy City Clerk I

Approved: \_\_\_\_\_



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Planning  
491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
(p) 907-235-3106  
(f) 907-235-3118

To: Parks and Recreation Advisory Commission  
From: Julie Engebretsen, Deputy City Planner  
Date: January 29, 2015  
Subject: Recap of January 22<sup>nd</sup> Meeting

I'd like to spend a little time at each meeting reviewing the ideas for the previous meeting. A lot of ideas came up, and I'd like to do some ranking. (There were more ideas at the meeting, but many have related questions that will be answered by upcoming speakers.)

### Solutions:

- Increase dog waste education
- Trash cans at Main/Ohlson and Crittenden. (Make it easier to toss trash and doggie baggies)
- Educate locals on beach rules
- Community outreach: primary user groups, schools
- Education on beach resources (why we have the rules and how they protect what we have)
- Delineate private property at Bishop's Beach Access
- Delineate driving area
- No 4 wheelers on beach
- Do not allow vehicles on the beach between Bishops Beach and Mariner Park
- Do not allow vehicles east of Bishop's Beach, all the way out the Spit. Vehicle access would be allowed east of the Airport Access Road, and west of Bishop's Beach
- Place rocks to prevent or mark where vehicles shouldn't go, east at Bishop's Beach

I also have some answers to questions, see below.

### Beach fires: what are the rules?

- Cooking or warming fires are allowed without a burn permit. (Preferably in a developed fire pit or ring.)
- Burning coal and pulling wood out of the berms is not allowed.
- The biggest problem for the fire department is people leaving a fire unattended or not putting it out completely. The wind can come up and rekindle the fire, creating smoke and prompting someone to call the Fire Dept. They respond to make sure the fire is out, and won't spread.
- Fire rings may help, but the area with the most problems is beyond the park, down the beach where people go to party.
- Not much enforcement of any of these items: with the summer season comes an increase in population and emergency calls. City doesn't have staff to patrol the beaches to regulate camp fires.

Is there a right of way through Bishop's Beach Park?

- Still waiting for attorney response, but its not dedicated by plat, and I don't think it qualifies as a historical access (RS2477). From city records, it looks like the city purchased and developed the Bishop's beach access 1983, and likely developed it on 1984. I await the attorney response to learn if there are other factors that would prevent closure.
- A little back history: in the early 80's there was a rough access road off the end of Main Street down to the beach. It has since eroded away, as have other beach access points such as Miller's Landing.



## Chapter 1.16

### GENERAL PENALTY<sup>1</sup>

#### Sections:

- [1.16.010](#) General penalty.
- [1.16.020](#) Civil remedies.
- [1.16.030](#) Surcharge.
- [1.16.040](#) Disposition of scheduled offenses – Fine schedule.

#### **1.16.010 General penalty.**

Every act in violation of this code is declared unlawful. Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than \$300.00. Every act of violation and every day upon which such violation shall occur shall constitute a separate offense. [Ord. [90-1](#) § 1, 1990; Ord. [88-14](#) § 4, 1988; Ord. 78-1 §§ 1, 2, 1978. Code 1967 § 1-100.7].

#### **1.16.020 Civil remedies.**

The City may institute a civil action against a person who violates any provision of this code or any rule or regulation adopted or issued in pursuance thereof. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or threatened violation, the Superior Court shall grant the injunction. Each day that a violation continues constitutes a separate violation. [Ord. [90-1](#) § 2, 1990].

#### **1.16.030 Surcharge.**

In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of violating this code or any rule or regulation adopted or issued in pursuance thereof shall be assessed a surcharge in the amount, if any, prescribed by AS [12.55.039](#). The surcharge shall be collected as provided in AS [12.55.039](#) and [29.25.075](#). The failure to pay the surcharge is punishable as contempt of court as provided in AS [12.55.039](#). [Ord. [98-22](#), 1998].

#### **1.16.040 Disposition of scheduled offenses – Fine schedule.**

a. A person cited for an offense for which a fine is established in subsection (c) of this section may mail or personally deliver to the Finance Director the amount of the fine indicated on the citation for the offense plus any surcharge required to be imposed by AS [29.25.074](#), together with a copy of the citation signed by the person indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. A citation for a scheduled offense may be mailed or personally delivered within 15 days after the date of the citation. The payment of a fine under this subsection shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the offense.

b. If a person cited for an offense for which a fine amount is established in subsection (c) of this section appears in court to contest the citation and is found guilty, the maximum sentence which may be imposed is the scheduled fine amount plus any surcharge required to be imposed by AS [29.25.074](#).

c. The following violations of this code are amenable to disposition without court appearance upon payment of a

fine in the amount listed below:

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC <a href="#">5.38.010</a>	Feeding or baiting certain birds (first offense)	\$50.00
HCC <a href="#">5.38.010</a>	Feeding or baiting certain birds (second and subsequent offenses)	\$200.00
HCC <a href="#">19.20.020</a>	General rules	\$300.00
HCC <a href="#">19.20.030</a>	Park closure	\$150.00

[Ord. [13-17\(S\)](#) § 1, 2013; Ord. [12-24\(A\)](#) § 1, 2012].

---

<sup>1</sup>For statutory provisions authorizing municipalities to prescribe penalties for violation of ordinances, see AS [29.35.010\(7\)](#); for provisions limiting maximum penalties, see AS [29.25.070](#).

**The Homer City Code is current through Ordinance 14-50,  
passed October 27, 2014.**

Disclaimer: The City Clerk's Office has the official version of the  
Homer City Code. Users should contact the City Clerk's Office for  
ordinances passed subsequent to the ordinance cited above.

.....

## Chapter 5.20 FIRE PREVENTION

### Sections:

- [5.20.010](#) Adoption of State law by reference.
- [5.20.020](#) Open burning – Permit requirement.
- [5.20.030](#) Trash burning – Approved container.
- [5.20.040](#) Fire Department inspection of buildings and installations.
- [5.20.050](#) Explosives.

### **5.20.010 Adoption of State law by reference.**

All laws of the State of Alaska, and any rule or regulation adopted by any duly authorized agency of the State of Alaska, pertaining to fire, fire hazards, fire prevention or fire waste, and explosives are hereby incorporated into this chapter and made a part hereof by reference; and the violation of any such law, rule or regulation shall constitute an offense under this chapter. [Code 1967 § 8-100.1].

### **5.20.020 Open burning – Permit requirement.**

- a. Except as provided in subsection (c) of this section and in HCC [5.20.030](#), no person shall burn any combustible material in the open without a permit from the City. Burning permits shall be available at the Fire Department and shall be issued only upon approval of the Fire Chief or other official with written delegation of authority from the Fire Chief. Any person burning combustibles, whether under the authority of a permit or not, is solely responsible for any damage caused by the fire.
- b. If the Fire Chief determines that weather or other conditions create a situation where open burning may create a hazard to public health or safety, or property, the Fire Chief may refuse to issue burning permits, restrict the number of permits issued, impose additional restrictions on new permits, modify, suspend, or revoke existing permits, prohibit campfires, and take other measures necessary to protect health, safety, life, and property for as long as the hazardous conditions exist.
- c. A person may use a barbecue and burn a campfire in a developed fire pit or ring without a burning permit.
- d. The Fire Chief shall have authority to impose conditions on burning permits and to suspend or modify burning permits as necessary to protect public health and safety, life and property. The Fire Chief shall have authority to revoke a burning permit for violation of the terms of the permit.
- e. The intentional use of coal as a fuel in any open burning, barbecues or campfires is prohibited; however, the use of charcoal is exempt.
- f. The violation of any provision contained in this chapter shall be punished under the general penalty provision of HCC [1.16.010](#). The City may also invoke civil penalties and remedies under HCC [1.16.020](#). [Ord. [01-40\(A\)](#), 2001; Ord. [98-5](#) § 1, 1998; Ord. [79-15](#) § 1, 1979. Code 1967 § 8-100.2].

### **5.20.030 Trash burning – Approved container.**

No person shall burn trash without a permit, except in a screen-covered container, or other trash burner approved by the Fire Chief. All open burning of household waste or other materials is prohibited, except brush, grass, wood and paper products that are uncontaminated under applicable DEC regulations. [Ord. [03-65\(A\)](#),



2003; Ord. [98-5](#) § 2, 1998. Code 1967 § 8-100.3].

#### **5.20.040 Fire Department inspection of buildings and installations.**

All public buildings, or installations, may be inspected by the Homer Volunteer Fire Department, or other persons designated by the City Council, and the owner or owners may be caused to remove or otherwise correct any extreme necessary fire hazard not conforming to any code adopted by the City Council, or as designated in the Alaska State Fire Code in terms of a fire code adoption. [Code 1967 § 8-100.4].

#### **5.20.050 Explosives.**

Any persons handling or storing explosives or nitrate derivatives must notify the Homer Volunteer Fire Department and conform to United States Coast Guard regulations and Alaska State Fire Code, and be subject to inspection and approval of the Homer Volunteer Fire Department. [Code 1967 § 8-100.5].

**The Homer City Code is current through Ordinance 14-50,  
passed October 27, 2014.**

Disclaimer: The City Clerk's Office has the official version of the Homer City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: PARKS AND RECREATION ADVISORY COMMISSION  
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK I  
DATE: JANUARY 30, 2015  
SUBJECT: NEXT MEETING AND DELIVERABLES

---

Currently we have Thursday, February 19, 2015 reserved for the next commission meeting.

On the tentative schedule agenda is Visitor Chief Robl and or Chief Painter.

It is also best to outline the deliverable needed for the next meeting in order to assist staff facilitate their work schedule.

Please list items here you would like additional information on and request or submit to staff at the meeting.

---

---

---

---

---

---

---

---

Recommendation: Informational Purposes only. No Action required.





